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| <b>FACSIMILE TRANSMITTAL FORM</b><br><i>(to be used for all correspondence after initial filing)</i> | Application Number   | 10/799,044          |                    |
|  | Filing Date          | March 12, 2004      |                    |
|  | First Named Inventor | Maxime Samain et al | RECEIVED           |
|  | Group Art Unit       | 3636                | CENTRAL FAX CENTER |
|  | Examiner Name        | Brown, Peter R.     | MAR 03 2006        |
| Total Number of Pages in This Submission   | 12                   | Attorney Docket No. | 41170-171          |

| ENCLOSURES (check all that apply)  |   |  |
|--|---|--|
| <input type="checkbox"/> Charge Deposit Account -08-3460<br><input type="checkbox"/> Fee Attached<br><input checked="" type="checkbox"/> Preliminary Amendment<br><input type="checkbox"/> Affidavits/declarations(s)<br><input type="checkbox"/> Extension of Time Request<br><input type="checkbox"/> Express Abandonment Request<br><input type="checkbox"/> Information Disclosure Statement<br><input type="checkbox"/> Certified Copy of Priority Document(s)<br><input type="checkbox"/> Response to Missing Parts Incomplete Application<br><input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53<br><input type="checkbox"/> Petition For Revival of an Application for Patent Abandoned Unintentionally Under 37 CFR 1.137(b) | <input type="checkbox"/> Assignment Papers (for an Application)<br><input type="checkbox"/> Drawing(s)<br><input type="checkbox"/> Licensing-related Papers<br><input type="checkbox"/> Petition<br><input type="checkbox"/> Petition to Convert to a Provisional Application<br><input type="checkbox"/> Change of Correspondence Address<br><input type="checkbox"/> Terminal Disclaimer<br><input type="checkbox"/> Request for Refund<br><input type="checkbox"/> CD, Number of CD(s) _____ | <input type="checkbox"/> After Allowance Communication to Group<br><input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences<br><input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief Reply Brief)<br><input type="checkbox"/> Proprietary Information<br><input type="checkbox"/> Status Letter<br><input type="checkbox"/> Request To Rescind Previous Nonpublication Request<br><input type="checkbox"/> Response to Notice of Allowability<br><input type="checkbox"/> Other Enclosure(s) (please identify below): Acceptable Property Rights Statement |
| Remarks: <input checked="" type="checkbox"/> Commissioner is hereby authorized to charge fees in this application and any fees which may be required, or any overpayment, to Deposit Account 08-3460. I have enclosed a duplicate copy of this sheet<br><input type="checkbox"/> Amount: \$  |   |  |

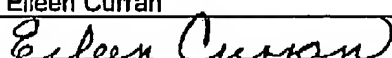
## SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

|                         |   |
|-------------------------|---|
| Firm or Individual Name | Dennis J.M. Donahue, III  |
| Signature               |  |
| Date                    | March 3, 2006   |

CERTIFICATE OF FACSIMILE  
37 CFR 1.18

I hereby certify that this document is being transmitted via facsimile to fax number (571-273-8300) to MAIL STOP AMENDMENT, Commissioner for Patents, Alexandria, VA 21313-1450.

Date: March 3, 2006

|                       |   |      |               |
|-----------------------|---|------|---------------|
| Typed or printed name | Eileen Curran   | Date | March 3, 2006 |
| Signature             |  |      |               |

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Attorney Docket No.: 41170/171

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

|                                      |                             |  |
|--------------------------------------|-----------------------------|--|
| Application of: Maxime Samain et al. | Group No.: 3636             | <b>RECEIVED</b><br><b>CENTRAL FAX CENTER</b><br><b>MAR 03 2006</b> |
| Serial No.: 10/799,044               | Atty. Docket No.: 41170-171 |  |
| Filed: 03/12/2004                    |                             |  |
| For: Lumbar with Flexwires in Cross  | Examiner: Brown, Peter R.   |  |

MAIL STOP Amendment  
Commissioner of Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

PRELIMINARY AMENDMENT

HONORABLE SIR:

Prior to examination on the merits, please enter the following preliminary amendment and consider the following remarks. It is not believed that extensions of time are required beyond those, which may otherwise be provided for in documents accompanying this Amendment. However, in the event that additional extensions of time are necessary to prevent abandonment of this application, then such extensions of time are hereby petitioned for under 37 C.F.R. § 1.136(a), and any fees required therefore are hereby authorized to be charged to our Deposit Account 08-3460.

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